



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

November 3, 2004

REGISTERED MAIL
RB 252 878 372 US

Washington State Historical Society
1911 Pacific Avenue
Tacoma, WA 98402

Attn: Mr. David Nicandri

RE: Water Quality Certification Number 1738 for Corps Public Notice #200300570 to fill approximately 0.52 acres of wetlands to realign US Highway 101 and develop a public park to commemorate the Lewis and Clark Station Camp site on the shoreline of the Columbia River near McGowan in Pacific County, Washington

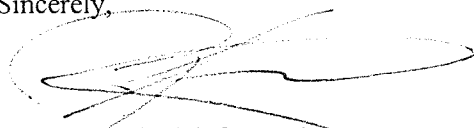
Dear Mr. Nicandri:

The public notice issued by U.S. Army Corps of Engineers on December 22, 2003 for proposed work on the Columbia River, Pacific County, Washington has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the application for Department of Army permit, and Corps public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

- This certification concurrence is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Jo Sohneronne at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Perry J. Lund, Unit Supervisor
Southwest Regional Office
Shorelands and Environmental Assistance Program

PJL:JS:dn
Enclosure

cc: Ron Wilcox, U.S. Army Corps of Engineers Seattle District
Key McMurry, WSDFW Region 6
Bryan Harrison, Pacific County Community Development Department

IN THE MATTER OF GRANTING) ORDER #1738
A WATER QUALITY) (Corps No. 200300570)
CERTIFICATION TO) To fill approximately 0.52 acres of wetlands to realign US
Washington State Historical Society) Highway 101 and develop a public park to commemorate the
in accordance with 33 U.S.C. 1341) Lewis and Clark Station Camp site on the shoreline of the
FWPCA § 401, RCW 90.48.260,) Columbia River near McGowan in Pacific County,
RCW 90.48.120 and WAC 173-201A) Washington

TO: Washington State Historical Society

ATTN: Mr. David Nicandri

On December 22, 2003, a public notice for a proposed water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

The proposed project involves:

- realigning ½ mile of U.S. Highway 101 between mileposts 1.85 and 2.30 in wetlands adjacent to the Columbia River including clearing and grading 0.3 acre high quality, forested wetland vegetation, 0.9 acre low quality, emergent wetland vegetation, installing culverts to cross the wetlands, and placing approximately 2,500 cubic yards of fill in the wetlands;
- placing up to 500 cubic yards of fill material into 0.13 acres of emergent wetlands for the development of the 8.7 acre park;
- constructing two interpretive outlooks landward of the ordinary high watermark of the Columbia River; and,
- constructing stormwater management facilities including ditches, catch basins, curbing, culverts, swales, temporary sediment ponds, and a riverine embayment discharge area.

Mitigation for wetland impacts include:

- creation of a 0.10 acre riverine embayment with vegetated fringe at the western culvert outlet
- enhancement of 0.46 acre of shoreline on west and east sides of embayment
- preservation of 10 acres of category II forested wetland in the Upper Chinook river watershed
- removal of 1.5 acres of asphalted highway roadbed from the shoreline.

This certification does not authorize placement of fill waterward of the ordinary high watermark of the Columbia River for the purpose of constructing interpretive outlooks.

The site is located near McGowan in Pacific County, Washington.

For the purposes of this order, the term "Applicant" shall mean Washington State Historical Society and its agents, assigns, and contractors.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCE 90.48.120 and RCW 90.48.260, Ecology has investigated this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 302, 303, 306, and 307);

2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; and,
3. Conformance with the provision of using all known, available, and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW, 90.48.120 RCW and Chapter 173-201A WAC, certification is granted to Washington State Historical Society subject to the following conditions:

A. No Further Impairment of Existing Water Quality

- A1. The Columbia River is a Class A water of the state. Certification of this proposal does not authorize Washington State Historical Society to exceed applicable state water quality standards (173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 shall apply to this project, unless otherwise authorized by Ecology. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-110(3). Furthermore, nothing in this certification shall absolve Washington State Historical Society from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.
- A2. WAC 173-201A-110(3), a temporary turbidity mixing zone is allowed immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. Under no circumstance shall the following standard be exceeded 300 feet downstream from the activity causing the turbidity:
 - (1) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

B. Timing:

- B1. This Order is valid until all compliance requirements in this document have been met.
- B2. As specified in Hydraulic Project Approval Log Number ST-G0967-01, work below the ordinary high water mark shall only occur between June 15 and September 30 of any year, except that, if authorized by the WDFW area habitat biologist, the culvert located at the western enhancement area may be installed after September 30 and before March 1 during low tide and a non-rain event if it is not feasible between June 15 and September 30.

C. Notification Conditions:

- C1. Notification shall be made to Ecology's Southwest Regional Office Federal Permit Coordinator at least fourteen (14) days prior to the start of work within wetlands or below the ordinary high water mark of Columbia River for each phase of the project.

- C2. Notification shall be made to Ecology's Southwest Regional Office Federal Permit Coordinator within fourteen (14) days after completion of construction of each phase of the project.
- C3. The applicant shall ensure that all appropriate project engineers and contractors at the project site shall have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The applicant shall provide Ecology a signed statement (see Attachment #A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology no less than seven (7) days before construction begins at the project site. Separate signed statements shall be provided for each phase of the project; prior to starting the realignment of US Highway 101, prior to starting construction of the mitigation site; and prior to starting construction of the park facilities.

NOTE: These notifications shall include the applicant's name, project name, project location, the number of this Order, contact and contact's phone number and shall be mailed to Federal Permit Coordinator, Department of Ecology Southwest Regional Office, PO Box 47775, Olympia, WA 98504-7775.

D. Mitigation

- D1. Project mitigation shall be constructed and maintained as described in the Wetland Mitigation Plan for Station Camp Pacific County, Washington prepared by Ecological Land Services and dated March 25, 2003.
- D2. The property owner shall grant Ecology access to the mitigation areas for inspection during the 5 year monitoring period or until mitigation success has been achieved.
- D3. Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
- D4. Any changes to the mitigation plan or monitoring requirements must be approved by Ecology at least 30 days before they are implemented.
- D5. An as-built report documenting the final design of the mitigation site shall be sent to the Federal Permit Coordinator at the Department of Ecology SWRO, PO Box 47775, Olympia, WA 98504-7775 within sixty (60) days of completing the mitigation site.

E. Monitoring Conditions:

- E1. During and immediately after any in-water work, the applicant or contractor shall visibly monitor the temporary turbidity mixing zone. If water quality exceedances are observed outside the mixing zone, work shall cease immediately and the applicant or contractor shall assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further water quality exceedances. The applicant or contractor shall notify Ecology's Federal Permit Coordinator at the Southwest Regional Office at (360) 407-6926 of the exceedances.
- E2. Monitoring reports of the wetland mitigation site shall be submitted to the Federal Permit Coordinator, Department of Ecology SWRO, PO Box 47775, Olympia, WA 98504-7775 by October 31 of years 1, 2, 3, and 5 as described in the Wetland Mitigation Plan for Station Camp Pacific County, Washington prepared by Ecological Land Services and dated March 25, 2003.

- E3. If the results of the monitoring shows that the water quality standards or project performance standards are not being met additional monitoring and mitigation maybe required.

F. Construction Conditions:

- F1. The applicant shall submit a Temporary Erosion and Sediment Control (TESC) Plan 30 days prior to beginning construction for review. This plan shall include the following information:
- Name and phone number of person responsible for implementing the plan;
 - Best management practices (BMPs) anticipated to be implemented
 - Frequency of BMP inspections
 - Contingency plan in the event of adverse weather condition or other foreseeable undesirable condition
- F2. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Sensitive areas to be protected from disturbance shall be delineated so as to be clearly visible to equipment operators. Equipment shall enter and operate only within the delineated clearing limits, corridors and stockpile areas.
- F3. Work in or near waters of the state shall be done so that it minimizes turbidity, erosion, and other water quality impacts.
- F4. Erosion control devices (e.g., filter fences, hay bales, etc.) suitable to prevent exceedance of state water quality standards shall be in place before starting project construction and shall be maintained throughout construction.
- F5. Periodic inspection and maintenance of all erosion control structures shall be conducted no less than every 7 days from the start of the project to site stabilization. Additional inspections shall be conducted prior to and after expected rainfall events to ensure erosion control measures are in working condition. Any damaged structure shall be immediately repaired. If it is determined at the inspection that additional measures are needed to control stormwater and erosion, they shall be implemented immediately.
- F6. All construction debris shall be properly disposed of upland so that it cannot enter a waterway or cause water quality degradation to state waters.
- F7. Wash water containing oils, grease, or other hazardous material resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
- F8. The two observation platforms shall be constructed entirely landward of the ordinary high water mark of the Columbia River.
- F9. Any wooden components, piling, pier support, and other materials composed of pressure treated wood shall be professionally and commercially produced and chemically fixed in accordance with all current best management practices as contained in the Western Wood Preservers Institute's latest edition of "The Best Management Practices for the Use of Treated Wood in Aquatic Environments."

G. Emergency/Contingency Measures:

- G1. In the event the applicant is unable to comply with any of the terms and conditions of this Order, due to any cause, or an activity causing distressed or dying fish, the applicant shall:
 - G1a. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
 - G1b. Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-hour spill response team at (360) 407-6300, and within 24 hours to Ecology's Southwest Regional Office Permit Coordinator at (360) 407-6926.
 - G1c. Submit a written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve The applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

- G2. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.

H. General Conditions:

- H1. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources **except** as specifically provided for in conditions of this Order.
- H2. This Order does not exempt the applicant from, and is conditioned upon compliance with, other statutes and codes administered by federal, state, and local agencies.
- H3. The applicant shall construct and operate the project in a manner consistent with the project description contained in the Public Notice for certification.
- H4. The applicant shall reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the public notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.
- H5. The applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- H6. Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available for reference by the project managers, construction managers and foremen, other employees and contractors of the applicant and state agency personnel.
- H7. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through

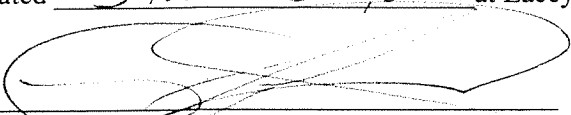
supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

- H8. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000) per violation for each day of continuing noncompliance.

Appeal Process:

Any person aggrieved by Order #1738 may obtain review thereof by appeal. Pursuant to Ch. 43.21B. RCW, a person can appeal this order to the Pollution Control Hearings Board within 30 days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, PO Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated 3 NOVEMBER, 2004 at Lacey, Washington


Perry J Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office

Attachment A

Water Quality Certification Statement of Understanding

I, _____, state that, I will be involved as an agent or contractor for Washington State Historical Society in realignment of SR 101, construction of Station Camp Park, and/or construction of the mitigation for these projects. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order #1738 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Telephone

Company

Address

City, State ZIP